

REMARKS

In response to the Office Action dated March 31, 2006, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claim 18 was objected to and has been amended to address the item raised by the Examiner.

Claims 1-25 were rejected under 35 U.S.C. § 102 as being anticipated by Herz. This rejection is traversed for the following reasons.

Claim 1 as amended recites, *inter alia*, "wherein the first data set is generated by a digital video recording (DVR) device, the first data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR." Herz fails to teach or suggest at least this feature and thus cannot anticipate claim 1.

For at least the above reasons, claim 1 is patentable over Herz. Claims 2-9 depend from claim 1 and are patentable over Herz for at least the reasons advance with reference to claim 1. In addition, these claims are allowable for other reasons.

For example, claim 7 recites "the second data set is generated by a cell phone equipped with a barcode scanner, the second data set including a unique identifier associated with an entity, a date, a time and a universal product code (UPC) from a barcode scanned by the barcode scanner, the UPC corresponding to the second service or product." Herz fails to teach or suggest at least this feature.

Independent claim 10 as amended recites, *inter alia*, "wherein the first device is a digital video recording (DVR) device, the first data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR." As described above with reference to claim 1, Herz fails to teach or suggest at least this feature.

For at least the above reasons, claim 10 is patentable over Herz. Claims 11-20 depend from claim 10 and are patentable over Herz for at least the reasons advance with reference to claim 10. In addition, these claims are allowable for other reasons.

030536 (BLL-0162)

For example, claim 17 recites “the second device is a cell phone equipped with a barcode scanner, the second data set including a unique identifier associated with an entity, a date, a time and a universal product code (UPC) from a barcode scanned by the barcode scanner, the UPC corresponding to the second service or product.” Herz fails to teach or suggest at least this feature.

Independent claim 21 as amended recites, *inter alia*, “wherein the first data set is generated by a digital video recording (DVR) device, the first data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR.” As describe above with reference to claim 1, Herz fails to teach or suggest at least this feature.

For at least the above reasons, claim 21 is patentable over Herz.

Independent claim 22 as amended recites, *inter alia*, “wherein the historic data set is generated by a digital video recording (DVR) device, the historic data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR.” As describe above with reference to claim 1, Herz fails to teach or suggest at least this feature.

For at least the above reasons, claim 22 is patentable over Herz. Claim 23 depends from claim 22 and is patentable over Herz for at least the reasons advance with reference to claim 22.

Independent claim 24 as amended recites, *inter alia*, “wherein the first historic data set is generated by a digital video recording (DVR) device, the historic data set including a unique identifier associated with an entity, a date, a time and a title of a program or movie selected by the entity for recording on the DVR.” As describe above with reference to claim 1, Herz fails to teach or suggest at least this feature.

For at least the above reasons, claim 24 is patentable over Herz. Claim 25 depends from claim 24 and is patentable over Herz for at least the reasons advance with reference to claim 24. In addition, this claim is allowable for other reasons.

For example, claim 25 recites “wherein the second activity is an activity associated with a cell phone equipped with a barcode scanner, the second data set including a unique identifier associated with an entity, a date, a time and a universal product code (UPC) from a

barcode scanned by the barcode scanner, the UPC corresponding to the second service or product." Herz fails to teach or suggest at least this feature.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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030536 (BLL-0162)

12